

**ATTACHMENT TO NEGATIVE DECLARATION  
REASONS SUPPORTING DETERMINATION**

**ADOPTION OF ADDITIONAL TYPE II ACTIONS  
BY THE VILLAGE BOARD OF TRUSTEES, ZONING BOARD  
OF APPEALS, PLANNING BOARD, VILLAGE ENGINEER AND  
POLICE CHIEF OF THE VILLAGE OF CROTON-ON-HUDSON**

The Proposed Action consists of the adoption of additional Type II actions by the Village Board of Trustees, the Zoning Board of Appeals, the Planning Board, the Village Engineer and the Police Chief of the Village of Croton-on-Hudson pursuant to the State Environmental Quality Review Act and corresponding regulations in 6 NYCRR Part 617 (collectively, "SEQR"). Type II actions are those that are not subject to review under SEQR because they have been determined not to have a significant adverse impact upon the environment (or are otherwise precluded from environmental review under Environmental Conservation Law, Article 8). The Proposed Action does not directly involve site-specific construction or development activity.

Section 617.5(b) of the SEQR regulations provides that "[e]ach agency may adopt its own list of Type II actions to supplement" the list of Type II actions specified in SEQR. An agency may not designate as Type II any action that has a significant impact on the environment. In Chapter 6E of the SEQR Handbook, "Making SEQR More Efficient," one of the suggestions for making compliance with SEQR more efficient and effective is for an agency to:

"Adopt an individual agency Type II list. The SEQR regulations give agencies the authority to add to the statewide Type II list. If an agency finds that it is frequently receiving applications for similar Unlisted actions, and those activities do not have significant environmental impacts, the agency should consider adopting local rules to classify those activities as Type II. "

The proposed Type II actions are actions that have been classified and reviewed as Unlisted actions by the Village Board of Trustees, the Zoning Board of Appeals, the Planning Board, the Village Engineer and the Police Chief of the Village of Croton-on-Hudson. As part of its review of the potential environmental impacts of the Proposed Action, the Board of Trustees asked the Village Engineer to review the Village's records and gather specific information on the historical treatment of the proposed additions to the Type II list. The Village Engineer's historical research confirmed that throughout the many years reviewed, the proposed additions were found to have no significant adverse impact upon the environment, in part due to the nature of the action and, in part, due to the breadth of existing Village regulations.

The following are the additional proposed Type II actions (**in bold**), and the informational details, including Village Code provisions under which the actions will be reviewed, which will offer additional assurance that there will be no significant adverse impact upon the environment in adopting these Type II actions:

- A. **Granting by the Village Board of a special permit (including the allowable waiving of any requirements) for the construction, expansion or use of a primary or accessory/appurtenant, structure or facility involving less than 4,000 square feet of gross floor area and less than 10,000 square feet of land disturbance and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities nor other structures related to radio, television, telephone or data transmission/reception.**

The Village Board issues special permits for the establishment of certain types of uses (special permit uses) as specified in Chapter 230, Zoning, of the Village Code for the various zoning districts. An application for a special permit includes a preliminary site development plan, and, pursuant to Village Code § 230-57, should also include documentation describing the proposed use, fiscal impacts on municipal services and proposed revenues, evidence of consistency with the Village's Master Plan (Comprehensive Plan), traffic analysis, and a stormwater pollution prevention plan.

Special permit applications have involved the construction of new or expanded facilities and/or changes of use. Many of the special permit applications were for revisions to existing special permits, and may have also included minor alterations and/or small additions to existing facilities. The submission of detailed plans to the Village Board for review and approval, which also includes a review by the Planning Board and Village Engineer, results in a final plan (typically with conditions attached) that is protective of the environment. Pursuant to Zoning Code § 230-58, in reviewing such applications and preparing its recommendations to the Village Board:

“the Planning Board shall take into consideration the public health, safety and welfare and the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular. The Planning Board may also recommend the adoption of such terms and conditions to the special permit as it deems appropriate to achievement of the foregoing objectives and the following goals:

- A. The accessibility of all proposed structures to fire and police protection.
- B. The compatibility of the location, size and character of the proposed use with the orderly development of the zoning district in which it is located and with that of adjacent properties in conformity with the zoning district applicable to such properties.
- C. The safety, convenience and congruity with the normal traffic of the neighborhood and of the pedestrian and vehicular traffic generated by the proposed use, taking into particular account the location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets.
- D. The compatibility of the location and height of buildings, the location, nature and height of walls and fences and the nature and extent of landscaping on the site with adjacent land and buildings and their appropriate development.
- E. The preservation of ecological or environmental assets of the site or adjacent lands.”

In considering any application for a special permit under Article X of the Zoning Code, the Board of Trustees shall make findings concerning the objectives and goals set forth in § 230-58, and, furthermore, “may exercise such discretion reserved for legislative matters so as to ensure that the public health, welfare and safety shall be protected, that the environmental and land resources of the community shall be put to the best possible use and that any authorization hereunder shall not create fiscal burdens upon the community at large or an adverse impact upon adjacent property and its permitted use by right under” Chapter 230 of the Village Code. Zoning Code § 230-60.

In addition, and in accordance with Section 230-65, after the granting of special permit approval, the applicant, if required, shall submit to the Planning Board final site development plans for review and approval by said Board in accordance with Article XI of the Zoning Code. Therefore, the standards of Section 230-70.B discussed below apply to the special permit use as well. This proposed Type II action will be reviewed pursuant to the above-mentioned Village Code provisions which will ensure that the action results in no significant adverse impact upon the environment.

It is also noted that the construction or expansion of certain types of facilities involving less than 4,000 square feet of gross floor area is already a Type II action under 6 NYCRR 617.5(c)(7):

*construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities.*

The action proposed for inclusion in the Village's Type II list is similar, but it is more protective of the environment in that it includes the additional restriction that the land disturbance must be less than 10,000 square feet.

Over the past five years, approximately 11 special permits (or about two per year) for actions described above have been issued. It was determined for all of these special permits that their issuance would not result in a significant adverse environmental impact.

For the foregoing reasons, the granting by the Village Board of the special permits specified above will not have a significant adverse environmental impact and should be added to the Village's Type II list.

**B. A decision on the request for an extension of the expiration date for: a special permit by the Village Board of Trustees or the Zoning Board of Appeals (ZBA); an area variance by the Zoning Board of Appeals; and site plan or minor site plan approval by the Planning Board.**

The Village Board may grant extensions for special permits when the applicant cannot begin construction within the required time frame established in the special permit, or when the special permit is required to be renewed at some frequency. Over the past six years, approximately one special permit extension has been issued by the Village Board each year. These extensions were either for applications that were Type II actions under 6 NYCRR 617 or were Unlisted actions that were previously issued Negative Declarations under SEQR. Extensions are typically issued with the same conditions as the original special permit but may be issued with additional or revised conditions. It was determined for all of the extensions issued that their issuance would not result in a significant adverse environmental impact. Therefore, for the foregoing reasons, issuance of such extensions of special permits by the Village Board will not have a significant adverse environmental impact and should be added to the Village's Type II list.

The Zoning Board of Appeals may grant extensions for area variances and special permits when the applicant cannot begin construction within one year of the date of the granting of a variance or special permit. Over the past six years, approximately one variance or special permit extension has been issued by the Zoning Board each year. These extensions were either for applications that were Type II actions under 6 NYCRR 617 or were Unlisted actions that were previously issued Negative Declarations. Extensions are typically issued with the same conditions as the original variance or special permit but may be issued with additional or revised conditions. It was determined for all of the extensions issued that their issuance would not result in a significant adverse environmental impact. Therefore, for the foregoing reasons, the issuance of such extensions of area variances or special permits by the Zoning Board of Appeals will not have a significant adverse environmental impact and should be added to the Village's Type II list.

The Planning Board may grant extensions for site plans and minor site plans when the applicant cannot begin construction within the required three-year time frame in the Planning Board resolutions. Over the past six years, approximately one site plan or minor site plan extension has been issued by the Planning Board each year. These extensions were either for applications that were Type II actions under 6 NYCRR 617 or were Unlisted actions that were previously issued Negative Declarations. Extensions are typically issued with the same conditions as the original approval but may be issued with additional or revised conditions. It was determined for all of the extensions issued that their issuance would not result in a significant adverse environmental impact. Therefore, for the foregoing reasons, the issuance of extensions for site plans and minor site plans will not have a significant adverse environmental impact and should be added to the Village's Type II list.

Further, special permit, area variance, and site plan or minor site plan applications must be processed in accordance with SEQRA prior to the respective approvals being granted. Because these approvals expire after certain periods of times, some applicants request extensions for a variety of reasons. Absent a change of circumstance or new information that would warrant the reopening of SEQR review, the granting of extensions of expiration dates on matters having been processed in accordance with SEQR will have no significant adverse impact upon the environment.

**C. The approval of a Storm Water Pollution Prevention Plan (SWPPP) under Chapter 196 of the Village Code in connection with any Type II action by the Village Board of Trustees, the Zoning Board of Appeals or the Planning Board.**

Storm Water Pollution Prevention Plan approvals are required to ensure the installation of proper erosion and sediment control devices and storm water management systems associated with approvals issued by the Village Board, Zoning Board of Appeals and Planning Board. By their nature, approved SWPPPs are designed to protect the environment.

This addition to the Village's Type II list is limited to only those SWPPPs associated with applications that are considered Type II actions themselves. As stated above, Type II actions are not subject to review under Part 617 because they have been determined not to have a significant adverse impact upon the environment (or are otherwise precluded from environmental review under Environmental Conservation Law, Article 8). Because a SWPPP is intended to help protect the environment, the approval of a SWPPP in connection with a Type II action will have no significant adverse environmental impact.

Approximately one SWPPP approval per year has been issued for the installation of erosion and sediment control devices and storm water management systems. Since these approvals are protective of the environment, it was determined for all of these approvals that their issuance would not result in a significant adverse environmental impact. Therefore, for the foregoing reasons, the approval of a Storm Water Pollution Prevention Plan associated with primary Type II actions will not have a significant adverse environmental impact and should be added to the Village's Type II list.

**D. The approval of a tree removal permit under Chapter 208 of the Village Code in connection with any Type II action by the Village Board of Trustees or the Planning Board.**

The addition of tree removal permit approvals to the Village's Type II list is limited to those permits requested in association with a Type II primary action where the Board of Trustees or Planning Board is the approval authority. As stated above, Type II actions are not subject to review under Part 617 because they have been determined not to have a significant adverse impact upon the environment (or are otherwise precluded from environmental review under Environmental Conservation Law, Article 8). A tree removal permit review and approval is to ensure removal of only the fewest number of trees and that any trees so removed will be replaced by other trees or vegetation. Therefore, the review and approval

of a tree removal permit associated with a primary Type II action serves to further protect the environment in connection with an action that has been deemed to have no significant adverse environmental impact by keeping the number of trees being removed to a minimum and by requiring that new trees and vegetation be planted to compensate for such removal. The approving authority may also require that reasonable modifications to the proposed construction plans be made in order to preserve existing trees.

In reviewing an application for a tree removal permit, the Village Board and Planning Board shall utilize the following standards in Section 208-16.D:

“D. A tree removal permit shall normally be issued if any of the following conditions are met:

- (1) The location of the tree(s) clearly endangers the health, safety, welfare or property of the general public, the property owner or an adjoining property owner.
- (2) The location of the designated tree(s) prevents compliance with state, county or local standards for sight lines, driveways or intersections.
- (3) The location of the tree(s) prevents the property owner from undertaking otherwise approved construction or alteration because the location of the designated tree(s) substantially interferes with a permitted use of the property and the construction or alteration cannot be reasonably modified to accommodate the designated tree(s); written explanation may be required describing how the designated tree(s) interferes with construction or alteration and why the construction or alteration cannot be modified reasonably to accommodate the designated tree(s).
- (4) The designated tree(s), due to death, disease, blight, infestation, storm damage, accident or other condition, causes undue hardship for the property owner to maintain.
- (5) The tree is dead, or so substantially diseased that it constitutes a danger to persons, property or other trees.
- (6) The removal of the tree is not inconsistent with good silvicultural, horticultural or vegetation management and will not have an adverse visual or ecological impact.”

Further, and in accordance with Section 208-18, the Village Board or Planning Board may require the following as conditions of the granting of the tree removal permit:

- “A. Require the reasonable relocation of proposed foundation walls, driveways, grading, surface and subsurface improvements or drainage systems to preserve specific trees.
- B. Regulate the days and hours of operations.
- C. Require that each tree to be cut or removed be marked at one point low enough on the trunk to be visible after removal of the tree so as to permit subsequent inspection. Notwithstanding the above, where the use of a sampling technique has been approved, trees less than 22 inches in diameter at breast height need not be marked.
- D. Require such safeguards as appropriate to minimize the environmental impact of such removal operations.
- E. Require additional information, if the tree removal involves clear cutting, including but not limited to:
  - (1) Complete plans for the restoration of the site after tree removal, which shall be certified by a recognized tree expert, drawn to a scale of not less than one inch equals 50 feet, and including the following:
    - (a) Description of the proposed vegetative cover of the tree removal area, including dominant species before and after the tree removal.
    - (b) The location of the tree removal in relation to property lines, roads, buildings and wetlands within 100 feet thereof.
  - (2) Additional information as needed or deemed necessary by the approval authority to evaluate the proposed tree removal in terms of the goals and standards of this chapter.
- F. Require that the tree trunk, limbs, stump and any roots remaining above grade be removed to approximately two feet or less.
- G. Require that the disturbed area be backfilled, replanted and/or reseeded.



- H. Require that in the case of a tree destroyed or removed illegally, another tree or trees of comparable size, species and/or value be replanted at the expense of the property owner, for each tree removed.
- I. Require the planting of a replacement tree or trees.
- J. Impose such additional conditions as the approving authority deems necessary to ensure compliance with the policies and provisions of this chapter.”

This proposed Type II action (the issuance of a tree removal permit for a primary Type II action) will be reviewed pursuant to the above-mentioned Village Code provisions which will offer additional insurance that the action results in no significant adverse impact upon the environment.

Over the past six years, approximately 158 tree removal permits have been issued (or about 26 per year) by the various approval authorities in the Village, including the Village Engineer. The majority of these permits were issued for damaged or diseased trees; others were issued for trees being removed due to proposed construction. Where appropriate, many of the tree removal permits were issued with a condition to plant replacement trees. It was determined for all of the issued tree removal permits associated with a primary Type II action that their issuance would not result in a significant adverse environmental impact. Below is information specific to the number of permits issued by Village Board and Planning Board.

The Village Board approves the removal of trees associated with applications before the Board. Over the past five years, approximately two tree removal approvals have been issued in conjunction with special permit applications. These approvals were issued for trees that needed to be removed due to the construction of approved site improvements, and new or expanded buildings. Where appropriate, the tree removal approvals were issued with a condition to plant replacement trees and to provide appropriate protection for the trees that will remain. It was determined for all of the tree removal approvals issued that their issuance would not result in a significant adverse environmental impact. Therefore, for the foregoing reasons, the issuance of tree removal approvals by the Village Board will not have a significant adverse environmental impact and should be added to the Village’s Type II list.

The Planning Board approves the removal of trees associated with applications (site plan, minor site plan, etc.) before the Board. Over the past six years,

approximately 27 tree removal approvals have been issued (or about 4-5 per year). The majority of these approvals were issued for trees that needed to be removed due to the construction of approved site improvements, and new or expanded buildings. Where appropriate, many of the tree removal approvals were issued with a condition to plant replacement trees and to provide appropriate protection for the trees that will remain. It was determined for all of the tree removal approvals issued that their issuance would not result in a significant adverse environmental impact. Therefore, for the foregoing reasons, the issuance of tree removal approvals will not have a significant adverse environmental impact and should be added to the Village's Type II list of actions.

- E. A decision by the Zoning Board of Appeals on an interpretation of the Zoning Code or an appeal of an administrative decision, except an appeal for a variance which is not otherwise made a Type II action hereunder or by State law/regulation. Accordingly, ZBA variances which are not made Type II actions by another paragraph hereof, or by State law or regulation, are not intended to be made Type II actions by this paragraph.**

On application, the Zoning Board of Appeals interprets specific sections of the Zoning Code and hears and decides appeals of decisions of zoning administration officials related to the Zoning Code or Zoning Map. Over the past six years, approximately one interpretation or appeal of a decision of an administrative official has been made by the Zoning Board of Appeals per year. An interpretation of the Zoning Code clarifies the meaning of a Zoning Code section, and a decision on the appeal of a decision of a zoning enforcement official resolves a question about the official's decision. Depending on the ZBA's decision, an applicant may move forward with an application for land use approvals that may be subject to SEQR review. If subject to environmental review, the application would be reviewed and a determination of significance would be made as required by SEQR. It was determined for all of these interpretations and decisions issued that their issuance would not result in a significant adverse environmental impact.

Further, a decision by the ZBA to interpret zoning does not involve changing the meaning or intent of the Zoning Code and is therefore environmentally neutral. In acting on an appeal of an administrative decision, the ZBA would have the record before it, including any environmentally related application materials submitted by the applicant. The ZBA would also be able to review the provisions and criteria in the Zoning Code when making its decision, including any and all environmentally protective regulations applicable to the matter, and would act in furtherance of same. Therefore, such appeal decisions would have no significant adverse impact upon the environment.

It is noted that the New York State Department of Environmental Conservation's SEQR Handbook (p. 183, items #18 and #20) indicates that an interpretation of the Zoning Code or review of a decision of a zoning enforcement officer by the Zoning Board of Appeals is exempt from SEQR review:

**18. Does a zoning board of appeals, when interpreting a zoning law or ordinance have to apply SEQR?**

No. As part of their appellate jurisdiction, zoning boards are specifically authorized to render interpretations of local zoning laws. Interpretations of the local zoning law by zoning boards are classified as Type II actions, which are exempt from SEQR review.

**20. Is a ZBA decision subject to SEQR when it is an interpretation of the zoning ordinance or the review of a decision of a zoning enforcement officer?**

No. ZBA interpretations are classified as Type II actions. The rationale for classifying ZBA interpretations as Type II actions is that they are akin to judicial interpretations and do not directly result in a decision to approve, fund or undertake an action.

These two actions will not have a significant adverse environmental impact and are being included on the Village's Type II list for clarification of their Type II status and for the reasons above.

**F. Sign permit issued under Chapter 230 of the Village Code by the Planning Board or Village Engineer.**

The Planning Board approves sign permits that are part of site plan or change in use applications. The Village Engineer also approves certain sign permits. Sign permits are issued for the placement of business signs on a building or sign post on the property. Sign permit applications are reviewed for conformance with the sign regulations in the Zoning Code that regulate size and installation location. Signs are also reviewed by the Visual Environment Board, which makes recommendations on the graphic design to the applicant and Planning Board and/or Village Engineer's office.

According to Section 230-44.A of the Zoning Code, the purposes of the signage regulations are to encourage the effective use of signs as a means of communication in the Village; to minimize possible adverse effects of signs on

nearby public and private properties; to maintain and enhance the visual and aesthetic environment; to improve pedestrian and vehicular traffic safety; and to enable the fair and consistent enforcement of the sign regulations by the Village.

In addition, and pursuant to Section 230-44.B, all signs in the Village shall be erected, replaced, moved or modified in conformity with the provisions of Chapter 230, and all actions related to questions of conformance shall be subject to the review and decision thereon by the Planning Board. In accordance with Sections 230-44.D through 230-44.P, signage must comply with the following regulations:

- “D. Relationship to use. All signs, except for temporary signs and except for the kind of billboards permitted in Subsection M below, must pertain to a use conducted on the same property on which the sign is located.
- E. Illumination.
  - (1) Permitted signs may be illuminated except where this chapter specifically prohibits certain signs from being illuminated. However, sign illumination shall not be twinkling, flashing, intermittent (except for time/temperature signs), or of changing degrees of color or intensity. Further, neon signs shall only be permitted on the inside of buildings. No sign shall contain or consist of Day-Glo-like material.
  - (2) All light sources used for illuminating signage shall be shielded and shall not be a source of glare.
  - (3) Upon referral by the Village Engineer and/or VEB, the Planning Board may require the submission of an illumination plan and may regulate the number, placement, intensity and hours of illumination of all light fixtures used for signage.
- F. Placement. No sign shall be located so as to obscure any signs displayed by a public authority, nor shall any sign be placed in such a way as to obstruct proper vehicular sight distance. Further, signs shall not interfere with pedestrian or vehicular traffic flow, nor shall any sign interfere with any ventilation system, door, window, fire escape or other emergency exit.
- G. Movement, animation, removable letters, lights. No sign or sign component shall be moving, animated, rotating or revolving. Further, no sign shall contain removable letters, except for signs associated with educational, religious or municipal institutions, gas stations, or with movie

theaters. In addition, light strips and strings of lights shall not be used for advertising or attracting attention to a sign when they do not comprise the text of the sign.

- H. Maintenance and quality of signs. All signs and components thereof shall be kept in good repair and in safe, neat and clean condition. All signs and related illumination shall be of a professional quality with respect to such matters as design, painting, lettering, materials and construction.
- I. Nonconforming signs. All signs that do not conform to the provisions of this chapter shall be subject to the requirements of Sections 230-53 and 230-54 herein.
- J. Projecting signs. Marquee signs are permitted for theaters only. For all projecting signs, there shall be at least an eight-foot clearance above pedestrian rights-of-way and at least a fourteen-foot clearance above vehicular rights-of-way for permitted signs projecting from buildings. Signs shall not project vertically above the roofline or parapet, or extend horizontally beyond the limits of the building. ....
- K. Freestanding signs. No freestanding sign shall extend more than 10 feet from the ground to the top of the sign except for a freestanding sign associated with a shopping center or a motor vehicle service station, which shall not extend more than 20 feet from the ground to the top of the sign.
- L. Prohibitions. The following Types of signs and artificial lighting are prohibited:
  - (1) Billboards, except for those which are existing on the effective date of these regulations and which are associated with a site which is on the National Register of Historic Places.
  - (2) Signs that compete for attention with or may be mistaken for a traffic signal.
  - (3) Searchlights, beacons, blimps and permanent balloons.
  - (4) Signs attached to or painted on trucks or other large vehicles when the vehicle is obviously marked and parked in such a manner as to advertise or attract attention to an establishment or business.

- (5) Banners, flags, strings of balloons, flags or lights, or similar outdoor advertising, except on a temporary basis with respect to the opening, reopening or remodeling of the business (that is, limited to a maximum duration of 45 days).
- N. Consistent signage. Where a building or site is permitted more than one sign by the provisions of this chapter, all new signs shall be consistent relative to one another in terms of size, general shape and, if building-mounted, location on the building (mounting height). Further, the Planning Board may require the submission of a master signage plan for the site which shows said consistency.
- O. Window signs. The combination of permanent and temporary signage applied to or placed within two feet of the interior of any given window shall be considered part of the signage in accordance with the provisions of this chapter. Further, in no event shall permanent window signage exceed 25% of the window on or within which it is located. Merchandise for sale is not considered part of the signage for purposes of this item.
- P. District standards. The following signage shall be permitted within the districts listed below and shall be regulated therein, as follows. Said signage shall also conform to the provisions of Subsections A through O above, as qualified in Subsection B.
  - (1) One-Family Residence RA-40, RA-25, RA-9, RA-5 Districts; Two-Family Residence RB District; Multiple Residence RC District.
    - (a) With respect to nurseries and the seasonal sale of produce, signs shall conform to Subsection P(1)(e) below.
    - (b) With respect to funeral homes, there shall be no signs other than those permitted in Subsection P(1)(e) below.
    - (c) With respect to customary home occupations, no display of signage shall be visible from the street, except as set forth in Subsection P(1)(e) below.
    - (d) With respect to bed-and-breakfast establishments, one sign designating a bed-and-breakfast establishment shall be permitted, subject to the following conditions:
      - [1] The area of the sign shall not exceed two square feet.

- [2] If freestanding, the overall height of the sign shall not exceed six feet as measured from finished grade to top of sign.
  - [3] The sign shall not be internally illuminated.
  - [4] If externally illuminated, the illumination shall not exceed the equivalent of a one-hundred-watt bulb.
  - [5] If illuminated, the illumination shall be constant, shall be directed towards the sign and shall be shielded from the view of the street and neighboring properties.
- (e) Signs conforming to the following shall be permitted as accessory uses:
- [1] One nonilluminated nameplate or professional sign with an area of not over two square feet.
  - [2] One externally illuminated bulletin board or other announcement sign for educational or religious institutions permitted in Section 230-9A(4) of this chapter, with an area of not over 12 square feet.
- (2) Limited Office O-1 District. One nonilluminated sign facing a street and not exceeding an area of five square feet shall be permitted.
- (3) Limited Office O-2 District. One sign shall be permitted, provided that such sign is facing a street and as follows:
- (a) The aggregate area, in square feet, shall be not greater than 1 1/2 times the length, in feet, of the wall on which it is placed.
  - (b) Such sign shall be parallel or perpendicular to the face of the building and no part thereof, including any illuminating devices, shall project more than 12 inches outward from the face of the wall to which it is applied for parallel signs and no more than 36 inches outward from the face of the wall to which it is applied for perpendicular signs.

(4) Central Commercial C-1 District.

- (a) Signs accessory to an establishment located on the same lot shall be permitted, provided that such signs shall be limited as set forth in Subsection P(4)(b) below and as follows:

- [1] Not more than one such sign, excluding signs in windows, shall be permitted for each tenant on the premises on each facade which fronts on a street.
- [2] The aggregate area, in square feet, of all signs on any wall shall be not greater than two times the length, in feet, of the wall on which it is placed.
- [3] Such sign or signs shall be parallel or perpendicular to the face of the building and no part thereof, including any illuminating devices, shall project no more than 12 inches outward from the face of the wall to which it is applied for parallel signs and no more than 36 inches outward from the face of the wall to which it is applied for perpendicular signs.
- [4] In addition, where the building is set back from the curbline a distance of 25 feet or more, not more than one freestanding sign with a total area on each face of not more than 40 square feet may be erected; provided, however, that the Zoning Board of Appeals may, in accordance with the procedure set forth in Section 230-162B of this chapter, authorize the Village Engineer to issue a special permit for the erection or continuance of a freestanding sign with an area on each face not exceeding 40 square feet or such lesser area as the Zoning Board of Appeals may prescribe in instances where the building is set back from the curb or edge of traveled way less than 25 feet but 15 feet or more, subject to such conditions as the Zoning Board of Appeals may impose and with due regard to safety and other factors set forth in Section 230-75B where the Board shall find that:
  - [a] The building in connection with which such sign is used or to be used was in existence on July 1, 1963, and has not after that date been



altered to cause it to be closer to the curbline or edge of traveled way; and

- [b] Other permitted signs are not, because of lack of visibility or other reason, adequate in the determination of the Zoning Board of Appeals and, for that or other reason, the Zoning Board of Appeals deems such sign to be necessary or desirable.

(b) Motor vehicle service stations.

- [1] Unless otherwise required by law, signs shall be limited to one freestanding sign and one exterior sign on each wall of a building fronting on a street and shall otherwise conform to the conditions for accessory signs set forth in Subsection P(5)(a).

- [2] In connection with the sale of used cars or rental of vehicles at a service station. No temporary signs shall be permitted on the exterior of vehicles. Signs in the interior of vehicles shall be limited to one per vehicle, not to exceed 12 inches by 15 inches. Sign printing shall have characters not larger than one inch.

(6) General Commercial C-2 District.

- (a) Accessory signs shall be as permitted in the Central Commercial C-1 District as set forth in Subsection P(5).

- (b) Drive-in theaters. In lieu of signs other than a sign permitted by Subsection P(4)(a)[4], a drive-in theater may have:

- [1] The name of the theater on a sign affixed to the theater screen structure on the reverse side of the screen; and

- [2] A supplementary sign on that same face announcing the feature attraction or attractions and containing

other information customarily contained in theatrical announcements or the opening or closing date of the theater.

(c) Motor vehicle sales and service agencies.

[1] Unless otherwise required by law, signs shall be limited to one freestanding sign and one exterior sign on each wall of a building fronting on a street and shall otherwise conform to the conditions for accessory signs set forth in Subsection P(4)(a).

[2] No temporary signs shall be permitted on the exterior of vehicles. Signs in the interior of vehicles shall be limited to one per vehicle, not to exceed 12 inches by 15 inches. Sign printing shall have characters not larger than one inch.

(7) Light Industrial LI District.

(a) Accessory signs. One sign shall be permitted facing each street from which access to the lot is provided. Such sign shall be applied onto the wall of the building and shall not exceed an area of 50 square feet or an area equal to 1 1/2 times the length, in feet, of the wall on which it is placed, whichever is less. All light sources shall be shielded from the view of adjacent lots and streets and shall, except for lights suitable for security purposes, be extinguished not later than 9:00 p.m. One identification sign at each point of access to the lot, with an area of not more than three square feet, shall also be permitted. A single directory sign, not exceeding eight feet in height, may be erected at the entrance of a complex of sites; each listing on such sign shall not exceed eight inches in height and two feet in length.

(8) Waterfront Commercial WC District.

(a) Accessory signs. One sign shall be permitted facing each street from which access to the lot is provided. Such sign shall be applied onto the wall of the building, if any, and such sign shall not exceed an area of 30 square feet or an area equal to 1 1/2 times the length, in feet, of the wall on which it

is placed, whichever is less. If there is no building, one freestanding sign shall be permitted, no higher than 10 feet from the ground, no greater than 30 square feet in area, and no closer than 25 feet to the nearest lot line. All light sources shall be shielded from the view of adjacent lots and streets and shall, except for lights suitable for security purposes, be extinguished no later than normal business hours, as determined by the Planning Board.

(9) Waterfront Development WD District.

- (a) Offices and studios. Signs for professional offices and studios shall be subject to P(1)(e) of this chapter.
- (b) Other uses. For uses other than specified in P(8)(a) above, one sign shall be permitted facing each street from which access to the lot is provided. Such sign shall be applied onto the wall of a building, if any, shall not exceed an area of 24 square feet and shall not extend beyond said wall in any direction. If there is no building, one freestanding sign shall be permitted, shall be no higher than 10 feet above the ground, shall be no greater than 24 square feet in size and shall be no closer than 25 feet to the nearest lot line. All light sources shall be shielded from the view of adjacent lots and streets and shall, except for lights suitable for security purposes, be extinguished no later than normal business hours, as determined by the Planning Board during the site development plan review process.
- (c) Directional, trail and project signs. Signage relating to vehicular, pedestrian and bicycle usage, traffic and parking shall be permitted, as shall an entry sign for the project itself. The locations, sizes, colors, materials and illumination of said signage shall be subject to the approval of the Planning Board as part of the site development plan review process.
- (d) All signs. All signs shall meet the standards of Section 230-44 of this chapter. Every effort shall be made to avoid the blockage of views in the placement of signage on the site.

- (10) Supplementary regulations for any parking spaces adjacent to residence districts. Identification and directional signs shall not exceed an area of

three square feet each and shall be limited to such as are essential for the particular use.”

Over the past 16 years, approximately 183 sign permits have been issued for the placement of signs on buildings and sign posts, many of these being approved by the Planning Board as part of site plan or change in use applications. Many of these signs were signs for new businesses that replaced existing signs for closed businesses. It was determined for all of these permits issued that their issuance would not result in a significant adverse environmental impact.

For the foregoing reasons, the issuance of sign permits will not have a significant adverse environmental impact and should be added to the Village’s Type II list.

- G. Granting of site plan or minor site plan approval (including the allowable waiving of any requirements) by the Planning Board for the construction or expansion of a primary or accessory/appurtenant, structure or facility involving less than 4,000 square feet of gross floor area and less than 10,000 square feet of land disturbance and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities nor other structures related to radio, television, telephone or data transmission/reception.**

--- AND ---

- H. The granting of minor site plan approval (including the allowable waiving of any requirements), not requiring a wetland or steep slope permit, by the Planning Board for the construction or expansion of a single-family, or a two-family residence on an existing lot including provision of necessary utility connections and the installation, maintenance and/or upgrade of a drinking water well and a septic system.**

The Planning Board issues site plan and minor site plan approval for the construction of new or expanded facilities and changes of use at these facilities. Over the past six years, approximately 32 site plans and minor site plan approvals for actions described above have been issued (or about five per year). In approving site plans and minor site plans for these actions, the Planning Board may also approve tree removals, fill and excavation permits and Storm Water Pollution Prevention Plans. The submission of detailed plans to the Planning Board for review and approval, which also includes a review by the Village Engineer, results in a final plan (typically with conditions attached) that is protective of the environment. It is noted that the construction or expansion of

certain facilities involving less than 4,000 square feet is already a Type II action under 6 NYCRR 617.5(c)(7):

*construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities;*

The action proposed for inclusion in the Village's Type II list is similar, but it is more protective of the environment in that it includes the additional restriction that the land disturbance must be less than 10,000 square feet. Many of the approvals issued by the Planning Board were for minor alterations to existing facilities, installation of solar panel systems, and small additions to existing facilities.

The Planning Board issues minor site plan approval for the construction of new single-family or two-family houses, and for expansions of single-family or two-family houses that exceed 80% of the floor area ratio (FAR). Over the past six years, approximately 20 minor site plan approvals have been issued (or about three per year). In approving minor site plans for these actions, the Planning Board also typically approves tree removals, fill and excavation permits, and Storm Water Pollution Prevention Plans. The submission of detailed plans to the Planning Board for review and approval, which also includes a review by the Village Engineer, results in a final plan (typically with conditions attached) that is protective of the environment. It was determined for all of the above approvals issued that their issuance would not result in a significant adverse environmental impact.

It is noted that the construction of 1, 2 and 3-family residence on approved lots is already a Type II action under 6 NYCRR 617.5(c)(9):

*construction or expansion of a single-family, a two-family or a three-family residence on an approved lot including provision of necessary utility connections as provided in paragraph (11) and the installation, maintenance and/or upgrade of a drinking water well and a septic system;*

In the Village, many of the existing residential lots were created prior to the adoption of zoning regulations (1931) and therefore are not technically "approved" lots since the subdivisions were not approved by the Planning Board. The addition of this action as a Type II action will make the construction of single-family or two-family houses on existing non-Planning Board approved

subdivision lots (pre-zoning lots) a Type II action consistent with the similar action on the State's Type II list and for the reasons described herein.

Further, with respect to paragraphs G and H above, and pursuant to Section 230-70.B of the Zoning Code, in considering and approving any site development plan, the Planning Board shall take into consideration the public health, safety and general welfare and the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular and shall make any appropriate conditions and safeguards in harmony with the general purpose and intent of this chapter and particularly with regard to satisfactorily achieving the criteria listed below:

- “(1) Maximum safety of traffic access and egress.
- (2) A site layout, including the location, character and appearance of any proposed building, group of buildings or sign location, with the power, direction and time of any outdoor lighting of the site, which would have no adverse effect upon any properties in adjoining residence districts by impairing the established character or the potential use of properties in such districts.
- (3) The reasonable screening, at all seasons of the year, of all playgrounds and parking and service areas from the view of adjacent residential properties and streets.
- (4) Conformance of the proposed site development plan with such portions of the Master Plan of the Village of Croton-on-Hudson as may be in existence from time to time.
- (5) In applicable cases, a drainage system and layout which would afford the best solution to any drainage problems.
- (6) In specific cases where the Planning Board finds that the maximum setback distances from the front, side or rear lot lines fail to maintain adequately the residential characteristics of surrounding residential properties, if any, it may require that such distances be increased, but in no case may it reduce said minimum setbacks.
- (7) Location, arrangement, appearance and sufficiency of the off-street parking and loading.
- (8) Adequacy of water supply and sewage disposal facilities.

- (9) Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
- (10) Safe, adequate and convenient pedestrian access and circulation both within the site and to adjacent streets.
- (11) The preservation of scenic views and vistas, consistent with reasonable use of property, particularly to the Hudson and Croton Rivers.
- (12) Quality of architectural features. The following criteria are intended to provide a framework within which the Planning Board may judge the appropriateness of the project to the neighborhood context and, for renovations, to assess the compatibility of the proposed addition with the existing exterior building. The criteria are also designed to enable the designer of the project to exercise creativity and innovation.
  - (a) Site development: the orientation, setback, alignment, spacing and placement of all buildings, and structures.
  - (b) Building design:
    - [1] Scale and proportion. The height, width, bulk and general proportions of the development, the ratio of wall surface to openings, and the ratio of the width and height of windows and doors.
    - [2] Setback and orientation. The setback of the building, accessory structures, and retaining walls, and the orientation of the proposed building to the setbacks on the lot, as well as to the setbacks of proximate buildings and the common street setback.
    - [3] Directional expression. The vertical, horizontal, or nondirectional facade character of the proposed building or addition, and its relationship to the existing building and/or proximate structures.
    - [4] Windows and doors. The pattern of placement and proportions of windows and doors, and their relationship with that of the existing building and other structures in the two-hundred-foot vicinity of the building.

- [5] Roof form. Roof form should be in proportion to the structure and should relate to the materials and construction of the existing building and structures in the two-hundred-foot vicinity.
- [6] Features and details. Balconies, decks, covered porches, bracketed eaves, columns, balustrades, towers, turrets, skylights, and arches should be in proportion to each other.
- [7] Wall materials. Walls should be constructed of natural materials such as masonry, stone or wood, or of synthetic materials that are selected for harmony with natural materials.
- [8] Lighting. All lighting should be appropriate to the building and its surroundings in terms of style, scale and intensity of illumination. Low-wattage systems are preferred. Site lighting should be shielded to prevent glare or spillage onto adjoining properties.
- [9] Diversity of design. The designs for proposed new buildings should avoid:
  - [a] Overly repetitive use of identical architectural features such as facade openings, cornice lines, etc.
  - [b] Overly similar treatment of building elevations.
  - [c] Excessive identical replication of the architectural style or treatment existing in surrounding buildings.
- [10] Historic quality. The building's value within the historic district or landmark fabric of the Village (i.e., built before 1931), or listed on, or determined eligible for, the state and/or National Register of Historic Places, or designated as a historic site or property by Westchester County.”

This proposed Type II action will be reviewed pursuant to the above-mentioned Village Code provisions which will offer additional insurance that the action results in no significant adverse impact upon the environment.



For the foregoing reasons, the issuance of site plan and minor site plan approvals will not have a significant adverse environmental impact and as specified above should be added to the Village's Type II list.

**I. The approval of an excavation and filling permit by the Planning Board under Chapter 120 of the Village Code in connection with any Type II action.**

Fill or excavation permits are issued for the placement of soil (fill) or the removal of soil (excavation) on property where the amount of soil being filled and/or excavated exceeds the thresholds in the Village Code. These are generally issued in association with site plan or minor site plan applications before the Planning Board. The addition of fill and excavation permits to the Village's Type II list is being limited to only those issued in association with applications (site plan, minor site plan, etc.) that are considered Type II actions themselves. As mentioned above, Type II actions are not subject to review under Part 617 because they have been determined not to have a significant adverse impact upon the environment (or are otherwise precluded from environmental review under Environmental Conservation Law, Article 8). An excavation and filling permit is intended to help protect the environment. Therefore, the requirement and approval of an excavation and filling permit associated with a Type II action serves to protect the environment in connection with a primary action that has been deemed to have no significant adverse environmental impact.

Over the past year, approximately three excavation and/or fill permits have been issued for the placement and/or removal of soil all for the construction of a single-family house on an approved lot. All permits were issued with the requirement for the installation of erosion and sediment control devices and other conditions that addressed the potential impacts from the excavation and/or filling. It was determined for all of these issued permits that their issuance would not result in a significant adverse environmental impact.

Therefore, for the foregoing reasons, the issuance of fill and excavation permits as specified herein will not have a significant adverse environmental impact and should be added to the Village's Type II list.

**J. Wetlands permit issued by the Village Engineer under Chapter 227 of the Village Code.**

In accordance with Section 227-7.F(2) of the Village Code, the Village Engineer is the approving authority for any of the following activities proposed to be conducted on property not subject to regulation by the State of New York:

- “(a) Removing water-deposited silt and/or other material in order to restore the preexisting land elevations, provided that the total amount removed does not exceed 15 cubic yards of material.
- (b) Restoring land elevations that have been altered by erosion or storm damage.
- (c) The construction, expansion or improvement of private residential or recreational facilities, as otherwise legally permitted, provided that the total amount of material deposited, removed or regraded does not exceed 15 cubic yards.
- (d) The construction of driveways not associated with any other construction approvals where alternative means of access are proved to be impractical, provided that the amount of material to be deposited or regraded in connection with such construction does not exceed 100 cubic yards.
- (e) The use of harmless chemicals, dyes and other similar substances to maintain or study any wetland.
- (f) Decorative landscaping and planting in wetlands when covering less than 1/10 of an acre.”

In accordance with Section 227-8, the Village Engineer may consider and require the following in processing a wetlands permit:

- “A. In making its determination to grant, deny or grant with modifications and/or conditions a permit under this chapter, the approving authority shall consider the following:
  - (1) Whether the proposed activity is consistent with the findings and intent of this chapter as set forth in Section 227-1 and 227-2 hereof.
  - (2) Whether the proposed activity will have an environmental impact and the extent of that impact.
  - (3) Whether there are possible or practicable alternatives to the proposed activity.
  - (4) Whether the proposed activity will have a deleterious effect on the health, safety or welfare of the residents of the Village or its neighboring communities.

- (5) Whether the proposed activity will have adequate safeguards for the protection and preservation of the environment and the wetlands, and for the natural functions of and benefits derived from such areas.
- (6) Whether the proposed activity will have adequate safeguards employing the best available technology to protect the surface water and groundwater supplies of the Village from drought, pollution, overuse and other forms of misuse.
- (7) Whether the proposed activity has been planned or designed so as to create minimal disturbance; to prevent or mitigate damage from erosion, turbidity or siltation; to preserve the natural flora and fauna and their habitat; to protect against flood and pollution of the wetlands; and to protect any other benefits of wetlands as enumerated in Sections 227-1 and 227-2 hereof; and is the best practicable alternative available for accomplishing the proposed action.
- (8) Whether there is a practicable alternative site for the proposed activity in another area of the subject property that is not a wetland.
- (9) Any additional information as contained in:
  - (a) Any report from other Village boards and agencies and/or federal, state or other local governmental agencies.
  - (b) Any additional requested information.
- B. The applicant shall have the burden of demonstrating that the proposed activity is not adverse to the health, safety and welfare of the residents of the Village or its neighboring communities and that it will not degrade the environment or be inconsistent with the purpose of this chapter as stated in Sections 227-1 and 227-2 hereof or, in the alternative, that the applicant will otherwise suffer undue hardship if a permit is not issued.
- C. The approving authority may require the preparation of a mitigation plan by the applicant pursuant to Section 227-8E hereof when the applicant has demonstrated that either losses or significant impacts to the wetlands or wetlands buffer are necessary and unavoidable. For the purposes of requiring a mitigation plan, wetlands impacts are necessary and unavoidable only if all of the following criteria are satisfied:

- (1) There is no feasible on-site alternative to the proposed activity, including reduction in density, change in use, revision of road and lot layout and related site planning considerations that could accomplish the applicant's objectives; and
  - (2) There is no feasible alternative to the proposed activity on another site available to the applicant that is not a wetlands or wetlands buffer.
- D. The approving authority shall monitor or shall cause to have monitored projects in accordance with the specifications set forth in the permit to determine whether the elements of the permit and/or mitigation plan have been met. The Planning Board may contract with an academic institution, independent research group or other qualified professionals to assist and discharge its obligations hereunder at the expense of the applicant. The requirements for monitoring shall be specified in the permit and/or mitigation plan and may include, but not be limited to:
- (1) The time period over which monitoring shall occur.
  - (2) Field measurements to verify the size and location of the impacted wetlands area and the restored/replacement wetlands area.
  - (3) The date of completion of the work or restoration/replacement.
  - (4) Field verification of the vegetative, hydrologic and soils criteria as specified in the permit and/or mitigation plan.
- E. In the event that the approving authority so requires pursuant to Section 227-8C hereof, the applicant shall prepare a mitigation plan.
- (1) All mitigation measures shall balance the benefits of regaining new wetlands areas with the loss to other natural areas caused by wetlands creation. On-site mitigation shall be the preferred approach; off-site mitigation shall be permitted only in cases where an on-site alternative is not possible.
  - (2) Mitigation plans developed to compensate for the loss of wetlands or wetlands buffers shall include baseline data as needed to adequately review the effectiveness of this plan. The mitigation

plan shall also include a monitoring schedule for a specified period of time as agreed to by the approving authority.

- (3) Any mitigation plan prepared pursuant to this section and accepted by the approving authority shall become part of the permit for the application.
- F. Any permit issued pursuant to this chapter may be issued with conditions. Such conditions may be attached as the approving authority deems necessary to ensure the preservation and protection of affected wetlands and to ensure compliance with the policies and provisions of this chapter and the provisions of the approving authority's rules and regulations, if any, adopted pursuant to this chapter.
- G. Every permit issued pursuant to this chapter shall be in written form and shall contain the following conditions:
  - (1) Work conducted under a permit shall be open to inspection during daylight hours, including weekends and holidays, by the approving authority or its designated representative or the Village Engineer.
  - (2) The permit expiration date as determined by the approving authority shall be stated.
  - (3) The permit holder shall notify the approving authority of the date on which the work is to begin at least five days in advance of such commencement date.
  - (4) The approving authority's permit shall be prominently displayed at the project site during the undertaking of the activities authorized by the permit.
- H. The approving authority shall include in the permit application file it keeps a copy of any mitigation plan prepared pursuant to Section 227-8E hereof and a record of any hearing held pursuant to Section 227-7J hereof. ....
- I. No permit granted pursuant to this chapter shall remove an applicant's obligation to comply in all respects with the applicable provisions of any other federal, state or local law or regulation, including but not limited to the securing of any other required permit or approval.

- J. The approving authority after notice to the permit holder and an opportunity to be heard may revoke or suspend a wetlands permit if it finds that the applicant has not complied with any or all of the terms of such permit, has exceeded the authority granted in the permit or has failed to undertake the project in the manner set forth in the approved application.  
.....
- K. No permit shall be valid for more than one year after approval of an application by the approving authority unless otherwise specified by the approving authority. All permits shall expire upon the completion of the work specified therein. The validity of any work duly completed pursuant to an existing permit shall not be affected by the expiration of the permit, but such work shall not be continued beyond the expiration date. Permits may be renewed by the approving authority upon application submitted at least 60 days before the expiration of the permit. Standards for issuance of renewals shall be the same as for the issuance of permits. Permits, including all of their conditions, shall be binding on successors and assignees of the applicant.”

Over the past six years, approximately five wetland permits have been issued for the disturbance of less than 15 cubic yards in wetlands or water courses or their buffer zones. All permits were issued with the requirement for the installation of erosion and sediment control devices and other conditions to protect the wetland or watercourse. It was determined for all of these issued permits that their issuance would not result in a significant adverse environmental impact.

This proposed Type II action will be reviewed pursuant to the above-mentioned Village Code provisions which will offer additional insurance that the action results in no significant adverse impact upon the environment.

For the foregoing reasons, the issuance of a wetlands permit as specified will not have a significant adverse environmental impact and should be added to the Village’s Type II list.

**K. Steep slope permit issued by the Village Engineer under Chapter 195 of the Village Code.**

In accordance with Section 195-5.C, the Village Engineer shall be the approving authority for all steep slope permit applications, except with respect to A and B below:

- “A. For any application that involves a regulated disturbance in an area of very steep slope or extremely steep slope, the Planning Board shall be the approving authority for the steep slope permit.
- B. The Planning Board shall be the approving authority for any application involving property that is also the subject of a pending site plan, minor site plan, subdivision or special permit application, or fill or excavation permit in accordance with the Code of the Village of Croton-on-Hudson, and for any application that also involves the construction or establishment of a principal building or use.”

Steep slope permits issued by the Village Engineer are limited to disturbances on moderately steep slopes that exceed 13,068 square feet of disturbance or in an amount equal to or greater than 50% of any existing individual lot area. The steep slope permit for disturbances over 13,068 square feet on moderately steep slopes would also require a fill and excavation permit under Chapter 120 of the Village Code. These are generally regrading projects on residential lots for the installation of retaining walls or land grading activities associated with the installation of swimming pools or other types of accessory structures.

In granting a steep slope permit under Chapter 195, and in accordance with Section 195-4, the Village Engineer shall apply the following standards:

- “(1) That the proposed activity and the manner in which it is to be accomplished are in accordance with the purpose and findings set forth in Section 195-1 of this chapter.
- (2) That the proposed activity and the manner in which it is to be accomplished can be completed without increasing the possibility of creep or sudden slope failure and will minimize additional erosion to the maximum extent practicable.
- (3) That the proposed activity and the manner in which it is to be accomplished will not adversely affect the preservation and protection of existing wetlands, water bodies, watercourses, floodplains, or any endangered species of flora or fauna.
- (4) That the proposed activity and the manner in which it is to be accomplished can be completed in such a way so as not to adversely affect existing, proposed or potential future wells or sewage disposal systems.

- (5) That the proposed activity and the manner in which it is to be accomplished are consistent with the principles and recommendation of the Village Comprehensive Plan adopted by the Village Board.
- (6) Lot layouts shall be designed so that sanitary sewage disposal systems entirely avoid areas of very steep slope and extremely steep slope and are in compliance with all standards and regulations of the Westchester County Health Department.
- (7) The padding or terracing of building sites shall be evaluated on a site-by-site basis for appropriateness. The mounding of septic tile fields shall be minimized to the maximum extent practicable.
- (8) The alignment of roads and driveways shall follow the natural topography, minimize regrading and, in the case of roads, shall comply with design standards for maximum grades set forth in the Village Code.
- (9) The natural elevations and vegetative cover of ridgelines shall be protected from disturbance to the maximum extent possible.
- (10) All regrading shall blend in with the natural contours and undulations of the land.
- (11) Cuts and fills shall be rounded off to eliminate sharp angles at the top, bottom and side of regraded slopes.
- (12) The angle of cut and fill slopes shall not exceed the natural angle of repose of the soil or rock materials in the cut or fill, except where retaining walls or other structural stabilization is used. Generally for soils, cut and fill slopes should be not steeper than two horizontal to one vertical (fifty-percent slope).
- (13) Fill slopes shall avoid all slopes of two horizontal to one vertical (fifty-percent slope) or steeper. The toe of the fill slope shall not be located within 12 feet horizontally of the top of an existing or proposed cut slope.
- (14) Tops and bottoms of cut and fill slopes shall be set back from existing and proposed property lines a distance at least equal to the lesser of three feet plus  $\frac{1}{5}$  of the height of the cut or fill or 10 feet.
- (15) Tops and bottoms of cut and fill slopes shall be set back from structures a distance that will ensure the safety of the structure in the event of the



collapse of the cut or fill slopes. Generally, such distance will be considered to be six feet plus  $\frac{1}{5}$  the height of the cut or fill but need not exceed 10 feet. Nevertheless, a structure may be built on a slope or at the toe of a slope if it is designed to retain the slope and to withstand the forces exerted on it by the retained slope.

- (16) Measures for the control of erosion and sedimentation shall be undertaken in accordance with the New York Standards and Specifications for Erosion and Sediment Control (Empire State Chapter of the Soil and Water Conservation Society, 2005, most recent version including applicable updates or its successors) or its equivalent satisfactory to the approving authority.”

In accordance with Section 195-8.C(6), the Village Engineer will also establish conditions of approval deemed necessary to satisfy the goals, objectives and review standards set forth in Sections 195-1 and 195-4, including but not limited to the following:

- “(a) The use of explosives shall be avoided to the maximum extent practicable. Generally, disturbance of rock outcrops shall be by means of explosives only if manual labor and machines are not effective and only if rock blasting is conducted in accordance with the Code of the Village of Croton-on-Hudson and all other applicable regulations by a person holding a current Class A or Class B certificate of competence from the New York State Department of Labor.
- (b) Any disturbance of steep slopes shall be completed within one construction season, and disturbed areas shall not be left bare and exposed during the winter and spring thaw periods.
- (c) The disturbance of existing vegetative ground cover shall not take place more than 15 days prior to commencing grading and construction.
- (d) Temporary soil stabilization shall be applied to all areas of disturbance and all adjoining areas within 50 feet thereof within two days after establishing of the final grade, and permanent stabilization and revegetation shall be undertaken within 15 days thereafter. Upon good cause shown and based upon consideration of the slopes, soils and environmental sensitivity of the area involved, the Village Engineer may modify these specified time periods.

- (e) Temporary soil stabilization shall be applied within two days after the disturbance is completed or when no additional disturbance is to be performed for a period of seven days. Upon good cause shown and based upon consideration of the slopes, soils and environmental sensitivity of the area involved, the Village Engineer may modify these specified time periods.
- (f) Topsoil that will be stripped from all areas of disturbance shall be stockpiled in a manner so as to minimize erosion and sedimentation, and shall be replaced on the site at the time of final grading.
- (g) Fill material shall be composed only of nonorganic material, including rock with a diameter that will allow for appropriate compaction and cover by topsoil.
- (h) Compaction of fill materials in fill areas shall be such that it ensures support of proposed structures and stabilization for intended uses.”

Section 195-6 provides for various information to be provided as part of the application for a steep slope permit:

“B. Any application for a steep slope permit shall also contain the following:

- (1) A written narrative explaining the nature of the proposal, including any future development proposals for the property and whether alternative locations exist for the proposed activity.
- (2) A site plan, which shall be drawn at a scale of not less than one inch equals 50 feet and prepared by a landscape architect, architect, professional engineer or other qualified person and showing the following information for all lots on the subject site that contain steep slopes:
  - (a) The location of proposed structures, septic systems, wells and driveways.
  - (b) The location of the proposed area of disturbance and its relation to neighboring properties, together with structures, roads, and affected wetlands as defined in Chapter 227, Wetlands, of the Village Code, if any, within 50 feet of the boundaries of the disturbed area.

- (c) The existing topography in the proposed area of disturbance at a contour interval of not more than two feet. Contours shall be shown for a distance of 50 feet or greater beyond the limits of the proposed area of disturbance.
  - (d) The location and size of areas of extremely steep slope, very steep slope and moderately steep slope under existing and proposed conditions, in the area of proposed disturbance and within a distance of 50 feet thereof.
  - (e) The proposed final contours of the disturbed area at a maximum contour interval of two feet and proposed surface materials or treatment.
  - (f) An erosion and sedimentation control plan.
  - (g) The details of any surface or subsurface drainage system proposed to be installed, including special erosion control measures designed to provide for proper surface or subsurface drainage, both during the performance of the work and after its completion.
- (3) A list of all applicable county, state or federal permits that are required for such work or improvement.”
- “C. The following information and materials shall be supplied if requested by the approving authority or its representative:
- (1) If required, the following items shall be provided on a site plan or site plans drawn at a scale of not less than one inch equals 50 feet, prepared by a landscape architect, architect, professional engineer or other qualified person:
    - (a) Cross sections of all disturbed steep slope areas.
    - (b) Existing soils within 50 feet of the proposed disturbed area, taken from field investigations by a soils scientist and classified into hydrologic soil groups. The depth to bedrock and depth to water table, K-factor, and soil and rock strata in all areas of disturbance shall be identified.

- (c) A cut-fill map delineating proposed areas of disturbance at affected depths in feet of zero feet to three feet, three feet to six feet, six feet to 10 feet, and 10 feet and over, and the estimated material quantities of cut/fill.
  - (d) A slope map showing existing and proposed slopes within the disturbed area for each of the soil types described in Subsection C(1)(b) above.
  - (e) Other information, including specific reports by qualified professionals on soils, geology and hydrology, as may be determined to be necessary by the approving authority.
- (2) A plan with the existing topography of the watershed tributary to the disturbed area presented at a scale of not more than one inch equals 100 feet. This map shall show existing and, if required by the approving authority, proposed controls and diversions of upland water.”
- “E. A stormwater pollution prevention plan consistent with the requirements of Chapter 196, Article I, Stormwater Management and Erosion and Sediment Control, shall be required for any steep slope permit approval that qualifies as or authorizes a land development activity as defined in Chapter 196. The SWPPP shall meet the performance and design criteria and standards in Chapter 196. The approved steep slope permit shall be consistent with the provisions of that chapter.”

Since the adoption of the current steep slope law in July 2008, no steep slope permits have been issued. However, in the 7 year period (2001-2008) prior to the adoption of the current steep slope law six steep slope permits were issued under the steep slope law in effect at that time. It was determined for all of the steep slope permits issued that their issuance would not result in a significant adverse environmental impact. Five of the steep slope permits were for the construction of single-family houses and one was for the construction of a mixed-use building. All six steep slope permits that were issued between 2001 and 2008, before the new 2008 law was in effect, included the requirement to install erosion and sediment control devices and included other conditions and requirements to ensure that the requirements and standards of the then current steep slope law were met. The requirements and standards in the current steep slope law greatly exceed the standards and requirements in the previous steep slope law. Compliance with the above standards and requirements will result in an approval for disturbances on moderately steep slopes that is protective of the environment.

It should also be noted that because a steep slope disturbance greater than 13,068 square feet on moderately steep slopes would also require an Excavation and Fill permit, the protective standards in section 120-8 would also be applicable.

The limitation of the Village Engineer's authority to issue steep slope permits for only moderately steep slopes (the proposed Type II action), and the required application of the applicable standards and requirements will ensure that the work authorized by the steep slope permit results in no significant adverse impact upon the environment.

For the foregoing reasons, the issuance of steep slope permits by the Village Engineer for disturbance on moderately steep slopes will not have a significant adverse environmental impact and should be added to the Village's Type II list. Disturbances on very steep and extremely steep slopes are not proposed to be added to the Village's Type II list and, therefore, will remain actions subject to SEQR.

**L. Fill or excavation permit issued by the Village Engineer under Chapter 120 of the Village Code.**

Fill or excavation permits are issued for the placement of soil (fill) or the removal of soil (excavation) on the property where the amount of soil being filled and/or excavated exceeds the thresholds in the Village Code. These are generally small regrading projects on residential lots for the installation of retaining walls that are not associated with a building permit.

In accordance with Section 120-4 of the Village Code, the Village Engineer shall be the approving authority for all applications, except that the Planning Board shall be the approving authority for any application that is also the subject of a pending site plan, minor site plan, subdivision plan, wetlands permit, steep slopes permit or tree removal permit before the Planning Board in accordance with the requirements of the Village Code.

In accordance with Section 120-8, in granting an excavation and filling permit under Chapter 120, the Village Engineer shall apply the following standards:

- “A. Any excavation to be made below the grade of surrounding property to a depth greater than four feet shall be properly guarded and protected during construction by a substantial fence of proper height and strength, with gates, which gates shall be locked at all times when the property is not being worked. In addition, when deemed appropriate by the approving

authority, a permanent substantial safety fence of proper height and strength shall be installed to properly guard and protect said changes in grade after construction.

- B. Excavation and filling operations shall be conducted so as to not adversely impact stormwater drainage, water bodies and/or watercourses, except as may be otherwise authorized by Chapter 196 or by a wetlands permit issued pursuant to Chapter 227 of the Village Code.
- C. During construction all excavations shall be drained so that any standing water at the bottom of any excavation shall not be greater in depth than one foot, and after construction there shall be no standing water at the bottom of any excavations.
- D. All fill shall be clean, containing no garbage, refuse or deleterious matter, shall be graded in a smooth transition to the level of the adjoining property and shall be reseeded with an appropriate vegetation mixture sufficient to stabilize the soil. The approving authority may require testing to determine the cleanliness of the fill.
- E. In the case of a permit for the removal of topsoil, at least two inches of topsoil shall be left upon the surface from which topsoil has been removed, and the area from which said topsoil has been taken shall be reseeded with an appropriate vegetation mixture sufficient to stabilize the soil and covered with mulch.
- F. The on-site processing of fill or the erection or use of any structure for such processing, such as but not limited to hoppers, strainers, washers, crushers or sheds is prohibited; however, where a permit has been issued under this chapter, power equipment for the purpose of filling and excavation may be allowed.
- G. Excavation and/or filling operations shall not be permitted between the hours of 8:00 p.m. and 8:00 a.m. Sunday through Saturday and between the hours of 8:00 p.m. Saturday and 10:00 a.m. Sunday.
- H. Slopes shall not be created in excess of the permanent stable slope of the soil or other material involved, and the exposed slopes shall be required to be seeded or protected by other means to prevent their subsequent erosion. In the event of any dispute as to the stability of the slopes, the determination of the approving authority shall be conclusive.

- I. Appropriate dust control measures shall be implemented on-site and on access roads and any traveled areas used in connection with any work under this chapter to protect the public and surrounding area against windblown sand and dust.
- J. Removal of soil or other material from the ground and/or placement of fill on the ground shall not prevent or interfere with the orderly development of land in the vicinity, shall not unreasonably impede traffic flow, and shall not make it unduly difficult or costly for the installation of public utilities or other public services.
- K. There shall be no deleterious interference with existing drainage, nor shall the excavation or filling operation divert or cause water to collect on the property of others or interfere with or overload any existing or planned drainage facilities of the Village, endanger any road, street or highway within the limits in the Village or produce or enlarge areas from which water will not drain, and provision shall be made for the temporary drainage of the property during the excavation or filling operation and for the restoration of permanent drainage to be effective upon completion of the operation.
- L. The approving authority shall take into consideration the declared policy of this chapter regarding the replacement of topsoil and the restoration, reseeding and stabilization of the land.
- M. To prevent the earth of adjoining property from caving in before permanent supports have been provided for the sides of such excavation, any person causing any excavation to be made shall provide such sheet piling and bracing as may be necessary. Whenever provisions are lacking for the permanent support of the side of an excavation, the person causing or having caused such excavation to be made shall build a retaining wall at his own expense on his own land, such retaining wall to be carried to a height sufficient to retain the adjoining earth. A Building Permit shall be required if the retaining wall is more than four feet in height.
- N. The approving authority may require that stumps, large tree roots and excess excavated material be removed from the site and may limit rock excavation methods and quantities.
- O. Such conditions as the approving authority may deem appropriate as to the time in which the work is to be completed.

- P. Such other conditions as the approving authority may deem appropriate to carry out the purposes of this chapter and the broad statements of policy as enumerated in Section 120-1 hereof, as if those purposes were specifically enumerated hereunder.
- Q. The approving authority retains the power to impose additional conditions during the terms of the permit if in its opinion additional conditions are necessary.”

Over the past six years, approximately five excavation and/or fill permits have been issued for the placement and/or removal of soil. All permits issued required the installation of erosion and sediment control devices. It was determined for all of these issued permits that their issuance would not result in a significant adverse environmental impact.

Furthermore, this proposed Type II action will be reviewed pursuant to the above-mentioned Village Code provisions which will offer additional insurance that the action results in no significant adverse impact upon the environment.

Therefore, for the foregoing reasons, the issuance of fill and excavation permits will not have a significant adverse environmental impact and should be added to the Village’s Type II list.

**M. Minor land disturbance activity or Storm Water Pollution Prevention Plan approvals issued by the Stormwater Management Officer (SMO) under Chapter 196 of the Village Code.**

Minor land disturbance activity or Storm Water Pollution Prevention Plan approvals are issued to ensure the installation of proper erosion and sediment control devices and storm water management systems associated with other permits such as building permits, fill and excavation permits, wetland permits and steep slope permits. By their nature, these control devices are designed to protect the environment.

In accordance with Section 196-7.A of the Village Code, all activities which require a building, land use or environmental permit and involve 400 square feet or more of land disturbance, but which do not meet the defined size threshold in Section 196-5, Definitions, for a land development activity, or any disturbance within 20 feet of a rainfall drainage channel, are subject to the review and approval of a Minor Land Disturbance Permit from the Stormwater Management Officer. A Land Development Activity is defined in Section 195-5 as any construction activity including clearing, grubbing, grading, excavating, soil



disturbance or placement of fill that results in land disturbance of equal to or greater than 5,000 square feet in area.

In accordance with Section 196-7.B, an application for approval of a minor land disturbance activity, shall include, except as may be waived by the SMO, the following background information, erosion and sediment controls, and stormwater management practices:

- “(1) Background information about the scope of the project, including location, Type and size of project.
- (2) Site map/construction drawing(s) for the project, including a general location map. At a minimum, the site map shall show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s); wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes; locations of off-site material, waste, borrow or equipment storage areas; and location(s) of the stormwater discharge(s). The site map shall be at a scale no smaller than one inch equals 50 feet.
- (3) Description of the soil(s) present at the site and soil test results, if requested.
- (4) Construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance.
- (5) Temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for the project from initial land clearing and grubbing to project close-out.
- (6) A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice.
- (7) Dimensions, material specifications and installation details for all erosion and sediment control practices.
- (8) Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and duration that each practice will remain in place until the site is stabilized.

- (9) Maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice.
- (10) Name(s) of the receiving water(s) and NYSDEC classification(s), if applicable.
- (11) Any existing data that describes the stormwater runoff at the site.
- (12) An acknowledgement by the landowner granting to the Village and other agencies having jurisdiction the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection.
- (13) Description of each postconstruction stormwater management practice, including but not limited to dimensions, material specifications and installation details for each postconstruction stormwater management practice.
- (14) Site map/construction drawing(s) showing the specific location(s) and size(s) of each postconstruction stormwater management practice.
- (15) Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storm.
- (16) Comparison of post-development stormwater runoff conditions with predevelopment conditions.”

Further, a Minor Land Disturbance activity is subject to the performance and design criteria in Section 196-8.A, and the application shall show that there will be no net increase in the rate of runoff resulting from the project for the 10-year storm event. The performance and design criteria in Section 196-8.A are as follows:

- “A. For the purpose of this article, the following documents shall serve as the official guides and specifications for stormwater management. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this article chapter. Copies of the two manuals are on file in the office of the Stormwater Management Officer. (NOTE: The New York State technical guidance documents may be ordered from The Department. An order form as well as downloadable versions of the Manuals are available on the Internet at:

<http://www.dec.state.ny.us/website/dow/toolbox/escstandards/index.html> or <http://www.dos.state.ny.us/lgss/stormwaterpub/index.html>.)

- (1) The New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation, most recent version including applicable updates or its successors, hereafter referred to as the "Design Manual.")
- (2) New York Standards and Specifications for Erosion and Sediment Control (Empire State Chapter of the Soil and Water Conservation Society, 2005, most recent version, including applicable updates, or its successors, hereafter referred to as the "Erosion Control Manual")."

Over the past six years, approximately 30 minor land disturbance activity or Storm Water Pollution Prevention Plan approvals have been issued for the installation of erosion and sediment control devices and storm water management systems. Since these approvals are, by their nature, protective of the environment, it was determined for all of these issued approvals that their issuance would not result in a significant adverse environmental impact.

Furthermore, this proposed Type II action will be reviewed pursuant to the above mentioned Village Code provisions which will offer additional insurance that the action results in no significant adverse impact upon the environment.

For the foregoing reasons, the issuance of minor land disturbance activity or Storm Water Pollution Prevention Plan approvals will not have a significant adverse environmental impact and should be added to the Village's Type II list.

**N. Tree removal permit issued by the Village Engineer under Chapter 208 of the Village Code.**

Tree removal permits are issued for the removal of trees in the buffer zone along the perimeter of properties and on ground with a slope greater than 20%. In accordance with Section 208-16.C of the Village Code, the Village Engineer or his or her designee shall be the approving authority for tree removal permits, except that the Planning Board or Village Board, as applicable, shall be the approving authority for any application that is also the subject of a pending site plan, minor site plan, subdivision approval, wetlands permit or steep slopes permit.

In reviewing an application for a tree removal permit, the Village Engineer shall utilize the following standards in Section 208-16.D:

“D. A tree removal permit shall normally be issued if any of the following conditions are met:

- (1) The location of the tree(s) clearly endangers the health, safety, welfare or property of the general public, the property owner or an adjoining property owner.
- (2) The location of the designated tree(s) prevents compliance with state, county or local standards for sight lines, driveways or intersections.
- (3) The location of the tree(s) prevents the property owner from undertaking otherwise approved construction or alteration because the location of the designated tree(s) substantially interferes with a permitted use of the property and the construction or alteration cannot be reasonably modified to accommodate the designated tree(s); written explanation may be required describing how the designated tree(s) interferes with construction or alteration and why the construction or alteration cannot be modified reasonably to accommodate the designated tree(s).
- (4) The designated tree(s), due to death, disease, blight, infestation, storm damage, accident or other condition, causes undue hardship for the property owner to maintain.
- (5) The tree is dead, or so substantially diseased that it constitutes a danger to persons, property or other trees.
- (6) The removal of the tree is not inconsistent with good silvicultural, horticultural or vegetation management and will not have an adverse visual or ecological impact.”

Further, and in accordance with Section 208-18, the Village Engineer may require the following as conditions of the granting of the tree removal permit:

“A. Require the reasonable relocation of proposed foundation walls, driveways, grading, surface and subsurface improvements or drainage systems to preserve specific trees.

B. Regulate the days and hours of operations.

- C. Require that each tree to be cut or removed be marked at one point low enough on the trunk to be visible after removal of the tree so as to permit subsequent inspection. Notwithstanding the above, where the use of a sampling technique has been approved, trees less than 22 inches in diameter at breast height need not be marked.
- D. Require such safeguards as appropriate to minimize the environmental impact of such removal operations.
- E. Require additional information, if the tree removal involves clear cutting, including but not limited to:
  - (1) Complete plans for the restoration of the site after tree removal, which shall be certified by a recognized tree expert, drawn to a scale of not less than one inch equals 50 feet, and including the following:
    - (a) Description of the proposed vegetative cover of the tree removal area, including dominant species before and after the tree removal.
    - (b) The location of the tree removal in relation to property lines, roads, buildings and wetlands within 100 feet thereof.
  - (2) Additional information as needed or deemed necessary by the approval authority to evaluate the proposed tree removal in terms of the goals and standards of this chapter.
- F. Require that the tree trunk, limbs, stump and any roots remaining above grade be removed to approximately two feet or less.
- G. Require that the disturbed area be backfilled, replanted and/or reseeded.
- H. Require that in the case of a tree destroyed or removed illegally, another tree or trees of comparable size, species and/or value be replanted at the expense of the property owner, for each tree removed.
- I. Require the planting of a replacement tree or trees.

- J. Impose such additional conditions as the approving authority deems necessary to ensure compliance with the policies and provisions of this chapter.”

Over the past six years, approximately 158 tree removal permits have been issued (or about 26 per year). The majority of these permits were issued for damaged or diseased trees. Where appropriate, many of the tree removal permits were issued with a condition to plant replacement trees. It was determined for all of the issued tree removal permits that their issuance would not result in a significant adverse environmental impact.

This proposed Type II action will be reviewed pursuant to the above-mentioned Village Code provisions which will offer additional insurance that the action results in no significant adverse impact upon the environment.

For the foregoing reasons, the issuance of tree removal permits will not have a significant adverse environmental impact and should be added to the Village’s Type II list.

**O. Permit for improvement in the street line or street use approval issued by the Village Engineer under Chapter 197 of the Village Code.**

In accordance with Section 197-18, the Village Engineer may grant a permit authorizing the following improvements of such land within street lines:

- “A. Alteration or changes of grade or level.
- B. Construction of retaining walls parallel with the line of the street.
- C. Such other improvements as shall enhance the beauty of the street and will not interfere with the public use thereof.”

In addition, and in accordance with Section 197-7, the Village Engineer may grant permission to obstruct, encumber, occupy or consent to or aid or abet the obstruction, encumbrance or occupation of any part of any street, lane or alley, sidewalk or public grounds, so far as the same shall be necessary for the erection or repair of a building or the grading or improvement of a lot, and only so long as it may be necessary therefor, and on such terms as may be laid down by the Village Engineer.

Further, when, with such permission, any part of any street, lane or alley, sidewalk or public ground shall be obstructed, occupied or encumbered, a passageway shall

at all times be kept open for travelers and pedestrians, and such obstructions or encumbrances shall be carefully guarded and lighted at all times during the night with red lights. No person shall otherwise store or keep property in any street, lane or alley or upon any sidewalk or public ground in said Village.

The Village Engineer may also permit an applicant to mix or temper mortar, concrete, plaster or other substance or cause the same to be done on any street, sidewalk or crosswalk in the Village, upon such terms as may be prescribed by such Village Engineer.

Improvement in the street line or street use permits have been issued for the temporary placement of dumpsters along the side of the street and for minor improvement made by property owners in the Village street right-of-way (ROW). Dumpsters are typically installed along the edge of the street for construction projects when there is no room for the dumpster on the property. The dumpsters are typically installed for 2-5 days and are similar to a large van being parked along the side of the street. Minor improvements made by homeowners have been typically small retaining or stone walls, installation of fences, and other similar improvements.

Over the past six years, approximately 15 permits have been issued for the placement of dumpsters along the side of the street or minor improvements in the street ROW. It was determined for all of these issued permits that their issuance would not result in a significant adverse environmental impact.

This proposed Type II action will be reviewed pursuant to the above-mentioned Village Code provisions which will offer additional insurance that the action results in no significant adverse impact upon the environment.

For the foregoing reasons, the issuance of improvement in the street line or street use permits will not have a significant adverse environmental impact and should be added to the Village's Type II list

**P. Blasting permit issued by the Village Engineer under Chapter 81 of the Village Code.**

In accordance with Section 81-3, a blasting permit, when approved and signed by the Village Engineer or his designee and upon payment of a fee in an amount set by resolution of the Board of Trustees, shall be issued by the Village Engineer or his designee, who shall keep a record thereof.

Pursuant to Section 81-4, all blasts, before firing, shall be covered with rope or metal matting, heavy timbers chained together or other suitable screens of sufficient size, weight and strength to prevent the escape of broken rock or other material in a manner liable to cause injury or damage to persons or property. All blasting shall be in accordance with applicable state and federal laws and regulations.

In accordance with Section 81-5, no person shall fire or explode or direct or cause to be fired or exploded any blast in or near any highway or public place in the Village of Croton-on-Hudson unless a warning air blast is given to give proper warning thereof at least three minutes in advance of firing and two warning air blasts are given at the conclusion of the blasting operation.

Pursuant to Section 81-6, no person shall conduct blasting operations within the Village after the hour of 5:00 p.m. and before 8:00 a.m. nor at any time on Saturdays, Sundays and legal holidays, except under authority of a special permit issued by the Board of Trustees. In accordance with Section 81-7, during blasting operations, explosives shall be stored separately from igniters, and for this purpose, separate receptacles shall be built or provided and placed at a reasonable distance apart one from the other.

Lastly, and in accordance with Section 81-7, the Village Manager is hereby authorized and empowered to establish and promulgate rules and regulations concerning blasting operations in the Village, storage of explosives and other matters contained in this chapter not inconsistent with the other provisions of this chapter. Such rules and regulations, when established and promulgated by the Village Manager, shall be binding upon all persons to whom a permit is issued pursuant to this chapter.

Blasting permits are issued for the removal of bedrock on construction projects. These permits are issued in accordance with the Village Blasting Law and Regulations. The Blasting Law and Regulations require that the blasting be done by licensed contractors and that proper safeguards and monitoring be in place during the blasting operation. The Police and Fire Departments and Fire Inspector are all involved in the review of the applications and blasting operations.

Over the past six years, approximately one blasting permit has been issued for the removal of bedrock for the construction of a foundation for an approved single-family house. It was determined for the issued permit that its issuance would not result in a significant adverse environmental impact.



This proposed Type II action will be reviewed pursuant to the above-mentioned Village Code provisions which will ensure that the action results in no significant adverse impact upon the environment.

For the foregoing reasons, the issuance of blasting permits will not have a significant adverse environmental impact and should be added to the Village's Type II list.

**Q. Public display of fireworks permit issued by the Police Chief under Chapter 127 of the Village Code.**

The Chief of Police of the Village is designated as authority for issuance of permits for public displays of fireworks within the Village. As permit authority, the Chief of Police shall have such duties, powers and authorities as are provided by Section 405.00 of the Penal Law of the State of New York or any successor statute. Such duties, powers and authorities will ensure that the action results in no significant adverse impact upon the environment.

Public display of fireworks permits are issued for the display of fireworks typically in conjunction with the July 4<sup>th</sup> holiday. All fireworks displays are conducted by a licensed contractor and the applications include the proper safeguards to protect the public. The Police and Fire Departments and Fire Inspector are notified of the permit issuance and are on standby during the display timeframe.

Over the past six years, approximately two public display of fireworks permits have been issued. It was determined for the issued permits that their issuance would not result in a significant adverse environmental impact.

For the foregoing reasons, the issuance of public display of fireworks permits will not have a significant adverse environmental impact and should be added to the Village's Type II list.

**R. Minor improvements by the Village designed or intended to correct localized water, sewer, or drainage problems alone or in conjunction with street resurfacing projects.**

Minor improvements designed or intended to correct localized water, sewer, or drainage problems would, by their very nature, be for the purpose of alleviating environmental problems and would therefore be beneficial to the environment. This action is currently already classified as a Type II action by the Village. This action has been performed by the Village for decades with no observed adverse

environmental impact and, in many cases, results in an environmental or safety improvement. The Village for decades has made minor improvements (approximately 25-50 per year) to its water, sewer and storm water infrastructure systems. These typically consist of replacement or installation of new water valves, replacement or installation of new catch basins, replacement or installation of new sewer manholes, installation of new fire hydrants, installation of new storm water pipes and culverts, etc. Based on decades of experience with making these improvements, it was determined such actions would not result in a significant adverse environmental impact. Therefore, the above-described action will not have a significant adverse environmental impact and should remain on the Village's Type II list.

**S. Seasonal salting and/or sanding of roads, sidewalks, and parking lots.**

The seasonal salting and/or sanding of roads, sidewalks and parking lots is for safety purposes, and have been conducted for many decades without significant adverse impact to the environment. Materials used for this purpose have, over time, become more environmentally friendly and the users of same have become more environmentally conscious. This action is currently already classified as a Type II action by the Village. This action has been performed by the Village for decades with no observed adverse environmental impact. The Village has upgraded equipment and improved operations that have resulted in the reduction of the amount of materials applied per equivalent snow event. Based on decades of experience and improvements in equipment and operations it was determined that such actions would not result in a significant adverse environmental impact. Therefore, the above-described action will not have a significant adverse environmental impact and should remain on the Village's Type II list.

**CONCLUSIONS**

In conclusion, the Proposed Action will not directly result in any construction or physical changes to any site within the Village of Croton-on-Hudson. The Proposed Action will not result in any adverse impacts on the environment. More specifically:

- The Proposed Action will not have a significant adverse environmental impact on any Critical Environmental Area (CEA).
- The Proposed Action will not have a significant adverse environmental impact on any unique or unusual land forms.
- The Proposed Action will not have a significant adverse environmental impact on any water body designated as protected.

- The Proposed Action will not have a significant adverse environmental impact on any non-protected existing or new body of water.
- The Proposed Action will not have a significant adverse environmental impact on surface or groundwater quality or quantity.
- The Proposed Action will not have a significant adverse environmental impact on or alter drainage flows or patterns, or surface water runoff.
- The Proposed Action will not have a significant adverse environmental impact on air quality.
- The Proposed Action will not have a significant adverse environmental impact on any non-threatened or non-endangered species.
- The Proposed Action will not have a significant adverse environmental impact on any threatened or endangered species.
- The Proposed Action will not have a significant adverse environmental impact on agricultural land resources.
- The Proposed Action will not have a significant adverse environmental impact on aesthetic resources.
- The Proposed Action will not have a significant adverse environmental impact on any site or structure of historic, prehistoric or paleontological importance.
- The Proposed Action will not have a significant adverse environmental impact on the quantity or quality of existing or future open spaces or recreational opportunities.
- The Proposed Action will not have a significant adverse environmental impact on existing transportation systems.
- The Proposed Action will not have a significant adverse environmental impact on the community's sources of fuel or energy supply.
- The Proposed Action will not have a significant adverse environmental impact as a result of objectionable odors, noise or vibration.
- The Proposed Action will not have a significant adverse environmental impact on the public health and safety.

- The Proposed Action will not have a significant adverse environmental impact on the character of the existing community.

Based upon this information and the information in the Full Environmental Assessment Form, the Village Board, as Lead Agency, finds that the Proposed Action will not have any significant adverse impacts upon the environment. This Negative Declaration indicates that no environmental impact statement need be prepared and that the SEQRA process is complete.